

WRESA

Heads or Tails: Growth Plans and Improvement Plans

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Presented by

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Teacher Performance Issues and Improvement Plans

(Revised 9/11)

I. OBSERVATIONS AND EVALUATIONS

A. Probationary Teachers

Each year, all non-career status teachers shall be observed at least three (3) times by the principal or designee; at least one (1) time by a teacher; and evaluated at least one (1) time by a principal. N.C.G.S. § 115C-333(a) and -333.1(a).

B. Licensed Employees at Low Performing Schools

Each year, local school administrative units shall evaluate, at least one (1) time, all licensed employees assigned to low-performing schools. The evaluation shall occur early enough during the school year to provide adequate time for the development and implementation of a mandatory improvement plan if one is recommended. N.C.G.S. § 115C-333(a).

C. Career Status Teachers at Non-Low Performing

Each year, all career status teachers who are assigned to schools not designated as low-performance shall be evaluated unless a local board adopts rules that allow career status teachers to be evaluated more or less frequently, provided that such rules are not inconsistent with State or federal requirements. N.C.G.S. § 115C-333.1(a).

D. Performance Standards

Local boards shall use the performance standards and criteria adopted by the State Board and may adopt additional evaluation criteria and standards. N.C.G.S. § 115C-333(a) and 333.1(a). See Attachment A (Recommended Policy for Professional Standards for Teachers).

E. Notice of Inadequate Performance

In determining whether the professional performance of a career employee is adequate, consideration shall be given to regular and special evaluation reports prepared in accordance with the published standards of performance which shall have been adopted by the board. Failure to notify a career employee of an inadequacy or deficiency in performance shall be conclusive evidence of satisfactory performance. Inadequate performance for a teacher shall mean: (i) the failure to perform at a proficient level on any standard of the evaluation instrument; or (ii) otherwise performing in a manner that is below standard. However, for a probationary teacher, a performance rating below proficient may or may not be deemed adequate at that stage of development by a superintendent or designee. For a career teacher, a performance rating below proficient shall constitute inadequate performance unless the principal noted on the instrument

that the teacher is making adequate progress towards proficiency given the circumstances. N.C.G.S. § 115C-325(e)(3).

II. MANDATORY IMPROVEMENT PLANS

A. Mandatory Improvement Plans

A mandatory improvement plan (called action plans under the old statute) is an instrument designed to improve a teacher's performance, or the performance of any licensed employee in a low-performing school, by providing the individual with notice of specific performance areas that have substantial deficiencies and a set of strategies, including the specific support to be provided to the individual so the individual, within a reasonable period of time, should satisfactorily resolve such deficiencies. N.C.G.S. § 115C-333(b)(1a).

The failure to use a mandatory improvement plan does not prevent dismissal for inadequate performance. However, the failure of an employee to complete such a plan is "substantial evidence" of inadequate performance as a matter of law.

B. Low Performing Schools

1. Initiating a Mandatory Improvement Plan

If a licensed employee in a low-performing school receives a rating on any standard on an evaluation that is below proficient or otherwise represents unsatisfactory or below standard performance in an area that the licensed employee was expected to demonstrate, the individual or team that conducted the evaluation shall recommend to the superintendent that: (i) the employee receive a mandatory improvement plan designed to improve the employee's performance; or (ii) the superintendent recommend to the local board that the employee be dismissed or demoted. If the individual or team that conducted the evaluation elects not to make either of the above recommendations, the said individual or team shall notify the superintendent of this decision. The superintendent shall determine whether to develop a mandatory improvement plan or to recommend a dismissal proceeding. N.C.G.S. § 115C-333(b)(2a).

2. Inappropriate Conduct

If at any time a licensed employee engages in inappropriate conduct or performs inadequately to such a degree that such conduct or performance causes substantial harm to the educational environment and immediate dismissal or demotion is not appropriate, then the principal may immediately institute a mandatory improvement plan regardless of any ratings on previous evaluations. The principal shall document the exigent reason for immediately instituting such a plan. N.C.G.S. § 115C-333(b)(3).

3. Developing the Mandatory Improvement Plan

Mandatory improvement plans shall be developed by the person who evaluated the licensed employee or the employee's supervisor unless the

evaluation was conducted by an assistance team. If the evaluation was conducted by an assessment team, that team shall develop the mandatory improvement plan in collaboration with the employee's supervisor. Mandatory improvement plans shall be designed to be completed within ninety (90) instructional days or before the beginning of the next school year. Local boards may adopt policies for the development and implementation of mandatory improvement plans and policies for the implementation of monitored and directed growth plans. N.C.G.S. § 115C-333(b)(4).

4. Reassessment following the Mandatory Improvement Plan

After the time period expires for the mandatory improvement plan, the superintendent, designee or the assistance team shall assess the performance of the employee for a second time. If the superintendent, designee or assistance team determines that the employee has failed to become proficient in any part of the performance standards articulated in the mandatory improvement plan or demonstrated insufficient improvement towards such standards, the superintendent shall recommend that the employee be dismissed or demoted. The results of the second assessment shall constitute substantial evidence of the employee's inadequate performance. N.C.G.S. § 115C-333(c).

5. State Board Notification

If a local board dismisses an employee of a low-performing school for any reason except a reduction in force, it shall notify the State Board of the action and the State Board shall, each year, provide to all local boards the names of those individuals. If a local board hires one of these individuals, with sixty (60) days, the superintendent or designee shall observe the individual, develop a mandatory improvement plan to assist the employee and submit the mandatory improvement plan to the State Board. The State Board may review the mandatory improvement plan and provide comments. If, on the next evaluation, the employee receives a rating on any standard that was identified as an area of concern on the mandatory improvement plan that is again below proficient or otherwise represents unsatisfactory or below standard performance, the local board shall notify the State Board who shall initiate a proceeding to revoke the employee's license. If, on this evaluation, the employee receives at least a proficient rating on all of the performance standards that were identified as areas of concern on the mandatory improvement plan, the local board shall notify the State Board that the employee is in good standing and the State Board shall not continue to provide the individual's name to local boards unless the employee is subsequently dismissed. N.C.G.S. § 115C-333(d).

C. Non-Low Performing Schools

1. Initiating a Mandatory Improvement Plan

A principal may place a teacher on a mandatory improvement plan if, in an observation report or year-end evaluation, the teacher receives a rating that is below proficient or otherwise represents unsatisfactory or below

standard performance on any standard that the teacher was expected to demonstrate. The superintendent or designee may use a mandatory improvement plan only if an individual, monitored or directed growth plan will not satisfactorily address the deficiencies. N.C.G.S. § 115C-333.1(b).

2. Inappropriate Conduct

If at any time a licensed employee engages in inappropriate conduct or performs inadequately to such a degree that such conduct or performance causes substantial harm to the educational environment and immediate dismissal or demotion is not appropriate, then the principal may immediately institute a mandatory improvement plan regardless of any ratings on previous evaluations. The principal shall document the exigent reason for immediately instituting such a plan.

3. Developing the Mandatory Improvement Plan

The mandatory improvement plan shall be developed by the principal in consultation with the teacher. The teacher shall have five (5) instructional days from receipt of the proposed mandatory improvement plan to request a modification of such plan before it is implemented, and the principal shall consider such suggested modifications before finalizing the plan. The teacher shall have at least sixty (60) instructional days to complete the mandatory improvement plan. N.C.G.S. § 115C-333.1(b).

4. Observations by Qualified Observers

A teacher who has been placed on a mandatory improvement plan shall have a right to be observed by a qualified observer¹ in the area or areas of concern identified in the mandatory improvement plan. The affected teacher and the principal shall jointly choose the qualified observer within twenty (20) instructional days after the commencement of the mandatory improvement plan. If the teacher and the principal cannot agree on a qualified observer within that time period, they each shall designate a person from the list and those two shall choose a qualified observer within five (5) instructional days. N.C.G.S. § 115C-333.1(c)(3).

The qualified observer shall draft a written report assessing the teacher in the areas of concern identified in the mandatory improvement plan. The report shall be submitted to the principal before the end of the mandatory improvement plan. If the qualified observer is from the same school administrative unit as the teacher, the school system shall provide the qualified observer with the time necessary to observe and prepare the report. If the qualified observer is not employed from the same school administrative unit, it shall be the teacher's responsible to pay for any

¹ A qualified observer is: (1) administrator or teacher licensed by the State Board and working in North Carolina; (2) a DPI employee; or (3) any instructor or professor who teaches in an accredited North Carolina school of education and hold an educator's license. The local board shall create a list of qualified observers who are employed by that board and available to do observations. This list shall be limited to the names of administrators and teachers selected by the school improvement teams in the school system. N.C.G.S. § 115C-333.1(c)(1)-(2)

expenses related to the observations and reports. N.C.G.S. § 115C-333.1(c)(3).

5. Reassessment following the Mandatory Improvement Plan

After the time period expires for the mandatory improvement plan, the principal shall assess the performance of the teacher for a second time. The principal shall also review and consider any report provided by the qualified observer. If, after the second assessment of the teacher and consideration of any report from the qualified observer, the superintendent or designee determines that the teacher has failed to become proficient in any part of the performance standards articulated in the mandatory improvement plan or demonstrated insufficient improvement towards such standards, the superintendent may recommend that the teacher be dismissed or demoted. The results of the second assessment shall constitute substantial evidence of the employee's inadequate performance. N.C.G.S. § 115C-333.1(d).

6. State Board Notification

If a local board dismisses an employee for any reason except a reduction in force, it shall notify the State Board of the action and the State Board shall, each year, provide to all local boards the names of those individuals. If a local board hires one of these individuals within sixty (60) days the superintendent or designee shall observe the individual, develop a mandatory improvement plan to assist the employee and submit the mandatory improvement plan to the State Board. The State Board may review the mandatory improvement plan and provide comments. If, on the next evaluation, the employee receives a rating on any standard that was identified as an area of concern on the mandatory improvement plan that is again below proficient or otherwise represents unsatisfactory or below standard performance, the local board shall notify the State Board who shall initiate a proceeding to revoke the employee's license. If, on this evaluation, the employee receives at least a proficient rating on all of the performance standards there were identified as areas of concern on the mandatory improvement plan, the local board shall notify the State Board that the employee is in good standing and the State Board shall not continue to provide the individual's name to local boards unless the employee is subsequently dismissed. If, however, on the next evaluation the teacher receives a developing rating on any standards that were areas of concern on the mandatory improvement plan, the teacher shall have one more year to bring the rating to proficient. If, by the end of the second year, the teacher is not proficient in all standards that were areas of concern on the mandatory improvement plan, the local board shall notify the State Board who shall initiate proceedings to revoke the teacher's license. N.C.G.S. § 115C-333.1(f).

III. Evaluation Instrument

Under the State Board teacher evaluation instrument, there are three types of professional development plans:

A. Individual Growth Plans

Teachers who are rated at least “Proficient” on all the Standards on the Teacher Summary Rating Form shall develop an Individual Growth Plan designed to improve performance on specifically identified Standards and Elements.

B. Monitored Growth Plans

A teacher shall be placed on a Monitored Growth Plan whenever he or she: (i) is rated “Developing” on one or more Standards on the Teacher Summary Rating Form; and (ii) is not recommended for dismissal, demotion or nonrenewal.

A Monitored Growth Plan shall, at a minimum, identify the Standards and Elements to be improved, the goals to be accomplished and the activities the teacher should undertake to achieve Proficiency, and a timeline which allows the teacher one (1) school year to achieve Proficiency. A Monitored Growth Plan that meets those criteria shall be deemed to satisfy the requirements of N.C. Gen. Stat. § 115C-333(b) and -333.1(b) (mandatory improvement plans).

C. Directed Growth Plans

A teacher shall be placed on a Directed Growth Plan whenever he or she: (1) is rated: (i) “Not Demonstrated” on any Standard on the Teacher Summary Rating Form; or (ii) “Developing” on one or more Standards on the Teacher Summary Rating Form for two sequential years; and (2) is not recommended for dismissal, demotion, or nonrenewal.

The Directed Growth Plan shall, at a minimum, identify the Standards and Elements to be improved, the goals to be accomplished, the activities the teacher shall complete to achieve Proficiency, a timeline for achieving Proficiency within one (1) school year or such shorter time as determined by the LEA. A Directed Growth Plan that meets those criteria shall be deemed to satisfy the requirements of N.C. Gen. Stat. § 115C-333(b) and 333.1(b) (mandatory improvement plans).

Professional Standards of Conduct and Performance for Teachers

The _____ Board of Education (“Board”) is dedicated and committed to providing all teachers with opportunities and resources to further their growth as professional educators. To that end, the performance of every teacher is assessed and the teacher is provided with constructive feedback through a formal evaluation and review process targeted to enhance professional growth. In addition, it is the Board’s expectation that all teachers, regardless of their years of experience, are capable of and must adhere to certain minimum professional standards of conduct and performance as set forth in this policy.

Therefore, all teachers employed by the _____ County Board of Education shall comply with and adhere to the following professional standards of conduct and performance:

1. Adhere to the Code of Ethics for North Carolina Educators. [Standard 1: Teachers demonstrate leadership; element e]
2. Comply with all Board policies regarding appropriate and/or prohibited behavior with students including electronic communications with students directly or through the internet. [Standard 1, element d]
3. Direct all complaints regarding the work environment to the appropriate supervisors and/or file grievances instead of acting to undermine or diminish the authority of co-workers and supervisors. [Standard 1, element c]
4. Avoid confrontations with co-workers, including but not limited to, engaging in actions or conversations which the teacher knows or should know will result in an actual disruption. [Standard 1, element b and Standard 1, element c]
5. Manage students' classroom behavior to minimize disruption to the educational environment and refer students, when necessary, to the administration for disciplinary action. [Standard 1, element a]
6. Respond to all parent inquiries, complaints and/or concerns in a timely and professional manner. [Standard 2, element e]
7. Comply with all administrative directives in a timely and professional manner, including written directives regarding specific issues or behaviors. [Standard 5, element c, Standard 1, element d, and Standard 1, element e]
8. Perform all assigned and/or accepted extracurricular and non-instructional duties in a timely and professional manner. [Standard 1, element d, and Standard 1, element e]
9. Participate in and complete any required professional development activities. [Standard 1, element b, Standard 1, element c and Standard 5, element b]
10. Participate in all required staff meetings and student academic meetings, including required meetings for students with special needs, in a professional manner. [Standard 1, element d, Standard 5, element b, and Standard 2, element d]
11. Complete and transmit all required reports and other documentation in a timely and professional manner. [Standard 1, element d, Standard 5, element a, Standard 5, element c, and Standard 1, element e]
12. Arrive at school each day at an appropriate time designated by the principal ready and prepared to complete all assigned duties. [Standard 1, element a, Standard 1, element b, Standard 1, element c, and Standard 1, element e]

The failure or unwillingness of a teacher to comply with the professional standards of conduct and performance listed herein may result in contract non-renewal or disciplinary action up to and including dismissal from employment. In all matters concerning a teacher's compliance with this policy, consideration shall be given to the impact on the education of a student or group of students and on the overall educational environment of the school.

Statutory Authority: G.S. 115C-47 (1), (4), (9), (12), and (18); G.S. 115C-325(e)(3); 16 NCAC 6C.0601.